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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,423

10/24/2003

Christian Schoenfeld

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05/30/2008

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EXAMINER

VU, VIET DUY

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/693,423	Applicant(s) SCHOENFELD, CHRISTIAN	
	Examiner Viet Vu	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Art Rejections:

1. The text of 35 USC 103(a) not cited here can be found in the previous office action.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langfahl, U.S. pat. No. 6,031,528.

Per claims 1-2 and 12, Langfahl discloses a method of adapting a user interface on a display of a network protocol tester having a visual network plan which is used for the configuration of the telecommunication task by a user (see col 2, lines 29-45). The method comprises the step of allowing the user to make selection via the user interface to define and/or change/modify the testing visual network plan on the display device using hardware, operating system and installed application in the system (see col 3, lines 15-36 and col 4, lines 20-26). Langfahl also teaches implementing the user interface using other known application software such as ActiveX or Java (see col 5, lines 33-47). Thus, the actual user interface for conducting network testing would depend on which application software exists in the protocol tester.

Langfahl does not explicitly teach defining or modifying the testing network plan in comparison to the basic network

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plan. It is however noted that the basic network plan comprises all existing network elements (see col 3, lines 57-64). It is also noted that some or all of those existing network elements would be selected by the user to define a specific testing network plan (see col 3, lines 38-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that the user-defined testing plan would have been made either by adding network elements (to an initially emptied map) or by removing network elements from the basic plan (with all elements selected).

Per claims 3-11, Langfahl teaches storing data files associated with each network elements in a database where they would be used/accessed by the network protocol tester (see col 3, lines 57-64). Langfahl does not explicitly teach that some of data files being text files.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that some data associated with the network element such as description of a router or server would have been in text data because it would have enabled the user to review the element.

Per claims 13-16, Langfahl also teaches using highlights or other visual indicators to indicate status of a link, e.g., selected link (see col 3, lines 2-14).

Response to Arguments:

3. Applicant arguments filed April 9, 2008 are deemed moot in view of the revised ground of rejection set forth above.

Applicant alleges that Langfahl fails to teach modifying the visual network plan according to the presence of particular software in the protocol tester.

The examiner disagrees. As discussed before, Langfahl teaches providing a user interface for allowing the user to modify the network plan. A further review of Langfahl has found that Langfahl also teaches implementing the user interface with different application software including ActiveX or Java (see col 5, lines 33-47). This teaching would clearly suggest that the interface for conducting network testing would depend on which application software exists in the protocol tester. Thus, it is submitted that Langfahl's teachings still meet the claim limitations.

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Conclusion:

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Viet Vu/

Primary Examiner, Art Unit 2154

5/27/08